

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Chakrabarti et al.

Serial Number: 10/662,044

Filing Date: September 11, 2003

Title: Antibodies that recognize
hyperproliferative cells and methods of
making and using same

Group Art Unit: 1642

Examiner: Catherine Joyce

CONFIRMATION NO: 8318

Certificate of Electronic Filing

I hereby certify that the attached Information Disclosure Statement and all marked attachments are being deposited by Electronic Filing on 8/2, 2006 by using the EFS - Web patent filing system and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Ann Lygas

Ann Lygas

Date: August 2, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached forms PTO/SB/08. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-1.98, as indicated below.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached forms PTO/SB/08 in accordance with MPEP §609.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

- A. ☐ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:
- ☐ (1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);
-- OR --
 - ☐ (2) It is being filed within 3 months of entry of the national stage as set forth in §1.491 in an international application;
-- OR --
 - ☐ (3) It is being filed before the mailing of a first Office action on the merits;
-- OR --
 - ☐ (4) It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- B. ☒ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:
- ☐ a statement as specified in §1.97(c) provided concurrently herewith;
-- OR --
 - ☒ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- C. ☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:
- i. a statement as specified in §1.97(c);
-- AND --
 - ii. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.
- D. ☐ 37 CFR §1.97(e). Statement.
- ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);
-- AND/OR --
 - ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);
-- AND/OR --
 - ☐ A copy of a dated communication from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. § 1.97(e)(1) as provided for under MPEP 609.04(b) V.
- E. ☐ Statement Under 37 C.F.R. §1.704(d). Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the

requirements of 37 C.F.R. §1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

F. ☒ 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

☐ Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.

-- OR --

☐ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08 are NOT enclosed.

-- AND/OR --

☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08 are enclosed in accordance with 37 CFR §1.98 (a)(2).

-- AND/OR --

☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

G. ☐ 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.

☐ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

☐ Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.

-- OR --

☐ A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows: _____

☐ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.

H. ☐ 37 CFR §1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are not provided herewith because:

☐ Pursuant to 37 CFR §1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. 120.

Application in which the information was submitted: _____

Information Disclosure Statement(s) filed on: _____

AND

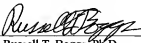
☐ The information disclosure statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR §1.98.

- I. ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 31302-702.201).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: August 2, 2006

By: 
Russell T. Boggs, Ph.D.
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Under the paperwork Reduction Act of 1995, no person required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/662,044
				Filing Date	9/11/2003
				First Named Inventor	Subhra Chakrabarti
				Art Unit	1642
Examiner Name	Catherine Joyce				
Sheet	1	Of	1	Attorney Docket Number	31302-702.201

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T#
	1.	APANTAKU, L.M., "Breast cancer diagnosis and screening," American Family Physician August 1, 2000.; 62(3):596-602, 605-6. (Electronic version downloaded from http://www.healthlibrary.com/doctors2/breastcancer2.html)	
	2.	BUSKENS, C. et al., "Adenocarcinomas of the Gastro-Esophageal Junction: A Comparative Study of the Gastric Cardia and the Esophagus with Respect to Cyclooxygenase-2 Expression," Digestive Disease Week Abstracts and Itinerary Planner, Vol. 2003, abstract No. 850, 2003, e-file	
	3.	COTTERCHIO, M. et al., "Ontario Familial Colon Cancer Registry: Methods and First-year Response Rates," Chronic Diseases in Canada Vol. 21, No.2, 2000 (electronic version downloaded from http://www.phac-aspc.gc.ca/public/cdic-mcc/21-2/f_e.html)	
	4.	GURA, T., "Systems for Identifying New Drugs Are Often Faulty," Science Vol. 278:1041-1042, 7 November 1997	
	5.	MARTIN, A. and WEBER, B.L., "Genetic and Hormonal Risk Factors in Breast Cancer," J. of the National Cancer Inst., Vol. 92, No. 14, July 19, 2000	
	6.	WHITE, C.A., et al., "Antibody-Targeted Immunotherapy for Treatment of Malignancy," Annu. Rev. Med. 2001, 52:125-45	
	7.	October 2005, "Temporary protocol of treatment: Trastuzumab (Herceptin®) in adjuvant conditions," Institut National de Cancer and Agence française de sécurité sanitaire des produits de santé, www.e-cancer.fr/medias/ptdefcng/2710.pdf	

Examiner Signature	Date Considered
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*EXAMINER: Initials. If reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with sent communications to applicant. *Applicant's unique citation designation number (optional). *See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. *Issue Office that issued the document, by the two-letter code (WIPO Standard ST. 3). *For Japanese patent documents, the indication of the year of the grant of the Japanese must precede the serial number of the patent document. *Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. *Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or obtain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FILES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-768-9199) and select option 2.